

Town Board Minutes

March 1, 2010

Meeting No. 7

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 1st day of March 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, CODE ENFORCEMENT OFFICER
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
MARCO LAURIENZO, POLICE CAPTAIN

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matter:

- Enhanced Star Exemption.

Fronczak, Mike, spoke to the Town Board on the following matters:

- Change Order for Heritage Trail Construction.
- Real property revaluation.

Chowaniec, Lee, spoke to the Town Board on the following matter:

- Engineers for Heritage Trail.

Enser, Jim, spoke to the Town Board on the following matter:

- His new property assessment.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the the Regular Meeting of the Town Board
held February 22, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA _____, WHO
MOVED ITS ADOPTION, _____ SECONDED BY
COUNCIL MEMBER RUFFINO, _____ TO WIT:

WHEREAS, the Town Clerk of the Town of Lancaster, by letter dated February 19, 2010, has requested the appointment of Mary Ann Perrello of Lancaster, New York to the position of Clerk, temporary, full time, in the Town Clerk’s Office to assist for a two-week period while Deputy Town Clerk Suzanne Blank is on vacation.

NOW, THEREFORE, BE IT

_____ **RESOLVED**, that Mary Ann Perrello of Lancaster, New York be and is hereby appointed to the position of Clerk, temporary, full time, in the Office of the Town Clerk, effective March 5, 2010, for a two-week period, at the hourly rate of \$28.50 (her previous hourly rate), without benefits.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Lancaster Town Board awarded a contract for the construction of the Heritage Bike Path to Occhino Paving Corporation, 2650 Seneca Street, West Seneca, New York 14224 on September 21, 2009 as the lowest responsible bidder in the amount of \$1,125,827.26 and

WHEREAS, due to field conditions on the northeast side of Walter Winter Road additional fill and pipe to maintain drainage was unanticipated, and

WHEREAS, Occhino Paving Corporation has submitted a request to increase the contract amount by \$27,126.70 in the form of Construction Change Order No. 1.

WHEREAS, Bergman Associates, the Consulting Engineers for the Heritage Trail Bike Path for the Town of Lancaster, has submitted Change Order No. 1 in the amount of \$27,126.70 to the Town Board for their approval, based on the addendum descriptions of additional work;

DESCRIPTION OF CONSTRUCTION CHANGE ORDER NO. 1:

Additional compensation for additional fill and pipe.

CONSTRUCTION CHANGE ORDER NO. 1:

The original Contract Sum was	\$1,125,827.26
The Contract Sum will be increased by this Change	
Order in the amount of	27,126.70
The new Contract Sum increased including this	
Change Order will be	\$1,152,953.96

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 12607 to Claim No. 12727 Inclusive

Total amount hereby authorized to be paid: \$869,007.33

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

17690	Essex Homes	12 Tranquility Trl	Er. Dwlg.-Sin.
17691	Katilus Construction	53 Bentley Cir	Er. Res. Add.
17692	The Vinyl Outlet	9 Lancaster Ave	Er. Fence (V/L)
17693	Black Hat Chimney	36 Rollingwood Dr	Er. Fireplace
17694	Zenner & Ritter	15 Oxford Ave	Inst. Generator (V / L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 1, 2010

COMMUNICATIONS & REPORTS

- 79. Village of Lancaster to Town Board -
Minutes of meeting held February 8, 2010. DISPOSITION = Received & Filed
- 80. Town Clerk to Town Board -
Request to hire Mary Ann Perrello Clerk Full Time Temporary. DISPOSITION = Resolution 3/1/10
- 81. Western New York Sustainable Energy Association to Supervisor -
Request to promote the use of renewable energy sources. DISPOSITION = Received & Filed
- 82. Town of Alden to Town Board -
Transmittal of resolution requesting New York State to create committee to assess dangers of man-made and solar EMP threats. DISPOSITION = Received & Filed
- 83. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, and Stempniak -
Notice of recommendations from the Town Forestry Department regarding proposed Urgent Care Facility, 4827 Transit Road. DISPOSITION = Received & Filed
- 84. General Crew Chief to Supervisor -
Request resolution authorizing a change order to Occhino Paving Co. regarding Lancaster Heritage Trail. DISPOSITION = Resolution 3/1/10
- 85. Captain Marco Laurienzo to Supervisor -
Request ordinance for placement of stop signs in certain intersections within Windsor Ridge Subdivision. DISPOSITION = For Resolution

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned at 8:32 P.M.

Signed _____

Johanna M. Coleman, Town Clerk